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Letter dated 1 March 1991 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to draw your urgent attention to the continuous mass detention of Palestinian civilians, including minors, as collective punishment by the Israeli authorities against the Palestinian people in the occupied Palestinian territory.

On 22 February 1991, the Israeli newspaper Ha'aretz quoted the Israeli military Prosecutor General as saying that, since December 1987, 75,000 Palestinians from the occupied territory have been tried by military courts. He also said that 3,000 Palestinian detainees are currently awaiting trial and 1,400 are currently being held in administrative detention.

Earlier, on 29 January 1991, Amnesty International reported to the United Nations Commission on Human Rights that, since December 1987, some 14,000 Palestinians, including prisoners of conscience, have been held in administrative detention without charge or trial. Over 4,000 were detained during 1990 for renewable periods of up to one year. According to this report, detainees are effectively unable to exercise the right to challenge their detention, as crucial information about the reasons for the detention is almost invariably withheld. Amnesty International concluded that this practice should not be used to detain prisoners of conscience, nor should it be used as a means to avoid the safeguards of a regular criminal justice system.

The detention of Palestinians as a policy of collective punishment has included hundreds of minors, some of whom were under 14 years old. According to a July 1990 report of B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, some 1,700 Palestinian minors from East Jerusalem alone,

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had been detained prior to the date of the report. B'Tselem reported that the detention of Palestinians, including minors, without trial, often constitutes a punishment in itself.

B'Tselem further reported that violent treatment of detained minors had become the norm during the period of detention. The detainee is subject to rough handling, shouting and humiliation as a matter of course throughout the period of detention. Amnesty International reported that the systematic use of ill-treatment during the interrogation of detainees continues to be widespread. Methods include beatings with truncheons and rifle butts on various parts of the body; hooding with dirt sacks; sleep deprivation by prolonged shackling in uncomfortable positions; confinement in small and darkened cells often referred to as "closets"; burning with cigarettes; squeezing of testicles; and sexual harassment.

The detention of Palestinians by the occupying Power without trial and as a means of collective punishment is a gross violation of Israel's obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and in particular Articles 33, 37, 72 and 78. It constitutes a serious infringement of the individual's rights to protection from arbitrary arrest and due process, stipulated by Article 10 of the Universal Declaration of Human Rights and Article 9 (i) of the International Covenant on Civil and Political Rights.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People wishes to express its condemnation of Israel's policy and practice of collective punishment, which is in violation of its obligations as occupying Power, and requests that Israel accept the de jure applicability of the fourth Geneva Convention of 1949 to all the territories occupied since 1967 and abide scrupulously by the provisions of the said Convention and the relevant international instruments.

The Committee once again reaffirms the imperative and urgent need to ensure effective protection for the Palestinians living under occupation. The Committee appeals to you, Mr. Secretary-General, and to all concerned, to take immediately all necessary action to free the detainees, particularly the minors, and to ensure the safety and protection of Palestinians in the occupied Palestinian territory, including Jerusalem.

I should be grateful if you would have the present letter circulated as a document of the forty-fifth session of the General Assembly, under agenda item 23, and of the Security Council.

(Signed) Ricardo ALARCON de QUESADA
Acting Chairman
Committee on the Exercise
of the Inalienable Rights
of the Palestinian People